

CHILDREN AND FAMILY AFFAIRS COMMITTEE

Amendment No. 1 (as amended)_

1 to HB1919
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1892

House Bill No. 1919*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is
amended by adding the following as a new, appropriately designated section:

§ 37-1-182.

(a) For observation and assessment of youth who are adjudicated delinquent, the department shall establish observation and assessment centers. Such centers shall serve youth who are adjudicated delinquent, awaiting disposition and placed in the temporary custody of the department of children's services for the purposes of assessment. Such centers shall be secure facilities under the supervision and control of the commissioner of children's services.

(b) An observation and assessment center shall be established in each of the three grand divisions of the state, in addition to any such center that may be in operation on the effective date of this act. The pilot project shall be in addition to any such center that may be in operation at the time of passage of this act. Such centers shall be regional and shall serve youth who are adjudicated delinquent in each region of the state, such regions to be determined by the department. Observation and assessment centers are established to provide juvenile courts with predisposition information regarding the psychological functioning, educational achievement or needs, and behavioral issues of delinquent

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youth in order to assist the court in determining proper disposition of such youth.

(c) At any time prior to the disposition of a child who has been adjudicated delinquent, the court may, subject to available capacity in the regional observation and assessment center, place the child in the temporary custody of the department for the purpose of evaluation and assessment and order the department to make an assessment of the child and report findings and recommendations to the court. Such order shall confer authority upon the department or its designees to transport the child and to obtain any necessary evaluations of the child without further consent of the parent or parents, legal custodian or guardian.

(d) At the time a juvenile court refers a youth to an observation and assessment center, the court shall schedule a final disposition hearing to be held within forty-five (45) days. Youth referred to the center shall not remain in the department's temporary legal custody in excess of forty-five (45) days. If the juvenile court fails to schedule the final dispositional hearing by the thirty-fifth (35th) day of the department's temporary legal custody, then the department shall petition the court for the scheduling of a dispositional hearing and the court shall set said hearing within ten (10) calendar days.

(e) The licensed or otherwise approved capacity of a regional observation and assessment center shall not be exceeded under any

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circumstances. If the department determines, based upon center capacity, that there are no available placements at the center, then the department shall notify the referring court and the court shall immediately proceed with disposition.

(f) The department of children's services may promulgate rules in accordance with the provisions of the Uniform Administration Procedures Act, compiled in Title 4, Chapter 5, to implement the provisions of this section.

(g) On or before June 30, 2002, the following information shall be reported in writing to the children and family affairs committee of the house of representatives; the general welfare, health and human resources committee of the senate; the finance, ways and means committee of the senate; the finance, ways and means committee of the house of representatives; and the select committee on children and youth:

(1) The number of children who, as a result of an assessment in an observation and assessment center, remain with their families rather than being placed in an out-of-home placement;

(2) The average cost of services provided to families for children identified in subdivision (1), above;

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(3) The estimated cost of out-of-home placement and services that would have otherwise been expended on behalf of those children identified in subdivision (1) above;

(4) The number of children identified in subdivision (1), above, who remain united with their families after one, two (2), and three (3) years, respectively; and

(5) Any recommendations of the department pertaining to the observation and assessment program.

SECTION 2. Tennessee Code Annotated, Section 37-1-128(g) is deleted in its entirety:

SECTION 3. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2001, the public welfare requiring it.